

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ISAAC LEWIS,

Plaintiff,

v.

B. GUTIERREZ, *et. al.*,

Defendants.

Case No. 3:22-cv-00010-CLB

**ORDER GRANTING MOTION
FOR JOINDER**

[ECF No. 54]

Before the Court is Plaintiff Isaac Lewis's ("Lewis") motion for joinder of Vanessa Rodriguez ("Rodriguez") as a Defendant in this action. (ECF No. 54.) Defendants Benedicto Gutierrez ("Gutierrez"), Veronica Avila ("Avila"), and Albert Castellan ("Castellan") (collectively referred to as "Defendants") filed a non-opposition to the motion. (ECF No. 55.)

On April 1, 2022, the District Court screened Lewis's complaint, (ECF No. 4), and allowed him to proceed on a single Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Gutierrez and John Doe HDSP Head Dentist and Jane Doe HDSP Dental Assistant. (ECF No. 3.) Thereafter, Lewis filed a motion to substitute Castellan and Avila for the Doe defendants, which the Court ultimately granted. (See ECF Nos. 32, 33.) Lewis now seeks to join Rodriguez as a Defendant to this action. (ECF No. 54.) Lewis's motion states that he learned of Rodriguez's identity through discovery and that Rodriguez responded to and/or signed 8 of the 15 medical kites in question. (*Id.* at 2.) In response to the motion, Defendants state they do not oppose Lewis's motion to the extent it is requesting to substitute a Doe Defendant for Rodriguez pursuant to the screening order as the motion is timely and based on good cause. (ECF No. 55.)

Fed. R. Civ. P. 20(a)(2) allows persons to "be joined in one action as Defendants if any right to relief is asserted against them jointly, severally, or in the alternative with

1 respect to or arising out of the same transaction, occurrence, or series of actions or
2 occurrences; and any question of law or fact common to all defendants will arise in the
3 action.”

4 For good cause appearing, the Court finds that Rodriguez may be properly joined
5 as a defendant in this action and thus the motion is granted. Additionally, the Court finds
6 that the motion should be granted based on Defendants’ non-opposition.

7 Accordingly, **IT IS HEREBY ORDERED** that Lewis’s motion for joinder is
8 **GRANTED.** (ECF No. 54.)

9 **IT IS FURTHER ORDERED** that Defendant Vanessa Rodriguez will be added as a
10 defendant to this action.

11 **IT IS FURTHER ORDERED** that within 21 days of the date of entry of this order,
12 the Attorney General’s Office shall file notice advising the Court and Lewis of whether it
13 can or cannot accept service on behalf of Defendant Vanessa Rodriguez. If the Attorney
14 General’s Office cannot accept service on behalf of Vanessa Rodriguez, the Office shall
15 file, under seal, but shall not serve on Lewis, the last known address of Vanessa
16 Rodriguez, if it has such information. If the last known address of Vanessa Rodriguez is a
17 post office box, the Attorney General’s Office shall attempt to obtain and provide the last
18 known physical address. If service cannot be accepted for Vanessa Rodriguez, Lewis shall
19 file a motion requesting issuance of a summons, specifying a full name and address for
20 Vanessa Rodriguez.

21 **IT IS SO ORDERED.**

22 **DATED:** September 28, 2023.

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UNITED STATES MAGISTRATE JUDGE